

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

ATLANTIC COAST LIFE INSURANCE )	)	CASE NO. 1:25-CV-00683
COMPANY J.	)	
	)	
Plaintiff,	)	JUDGE: DAVID A. RUIZ
	)	MAGISTRATE:
	)	
vs.	)	
	)	
DENISE GAWAJEK, et al.,	)	
	)	
Defendants.	)	

**DEFENDANTS KELLY S. HESKETH AND JEFFREY K. SCHMIDT’S UNOPPOSED  
MOTION FOR LEAVE TO FILE ANSWER, *INSTANTER***

COME NOW Defendants JEFFREY K. SCHMIDT and KELLY S. HESKETH, individually and as the Executor of the Estate of Kenneth H. Schmidt (“Answering Defendants”) by and through the undersigned counsel and respectfully moves this Honorable Court for an Order granting Defendant J. SCHMIDT and K. HESKETH leave to file their Answer to Plaintiff’s Complaint, *Instanter*.<sup>1</sup> Defendants move this Court to deem their Answer to the Complaint timely filed upon the granting of this Motion. This request is made in good faith. The undersigned counsel will be representing three of the named defendants in this action (K. Schmidt, J. Schmidt and K. Hesketh), two of whom (J. Schmidt and K. Hesketh) have been served with the summons and complaint, while one (K. Schmidt), has not. The undersigned counsel agreed to waive service upon K. Schmidt, and answer on behalf of all three defendants simultaneously. However, while coordinating the waiver of service with plaintiff’s counsel, the deadline for defendants J. Schmidt

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<sup>1</sup> Defendants’ proposed Answer to Complaint, and Answer to Crossclaim is attached as Exhibit A

and K. Hesketh to answer has passed. The undersigned has consulted with plaintiff's counsel who advised the motion is unopposed. Further, the granting of this Motion will not prejudice the parties as it will not delay this matter. Defendants have attached a proposed Order hereto as Exhibit B.

Respectfully submitted,

/s/ Christopher J. Mulvaney

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*Hesketh and Jeffrey K. Schmidt*

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served via ECF, email and/or regular mail upon the following June 6, 2025:

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